

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2, 4-7, 9, 14, 18 and 20-28 are pending, with claims 1, 2, 5, 9, 18, 20, 22-23 and 25 amended by the present amendment. Claims 1, 5 and 18 are independent.

In the Official Action, claims 1-2, 4-7, 9, 14, 18 and 22-28 were rejected under 35 U.S.C. § 102(a)/102(e) as being anticipated by Tarsa (U.S. Patent No. 6,614,056); and/or claims 1-2, 4-7, 9, 14, 18 and 22-28 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Tarsa; and claims 1-2, 4-7, 9, 14, 18 and 22-28 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Tarsa and Katayama (U.S. Patent No. 6,903,374).

Claims 1, 5 and 18 are amended to more clearly describe and distinctly claim Applicant's invention. Claims 2, 9, 20, 22-23 and 25 are amended to maintain antecedent support. No new matter is added.

Applicant acknowledges with appreciation the telephone discussion between the Examiner and Applicant's representative on March 3, 2009. During the discussion, Applicant's previous amendment to the figures and specification was reviewed. The Examiner acknowledged that the previous objection to the drawings was moot.

Briefly recapitulating, amended claim 1 is directed to

An LED, comprising:

a first nitride gallium layer;

a first electrode provided at one portion of and above the first nitride gallium layer;

an active layer provided above the first nitride gallium layer;

a second nitride gallium layer provided above the active layer; and

a plurality of transparent electrodes formed above the second nitride gallium layer, wherein at least one of the plurality of transparent electrodes is electrically connected to, and is physically isolated from, another of the plurality of transparent electrodes.

Claims 5 and 18 also recite, *inter alia*, a plurality of transparent electrodes respectively formed on the second nitride gallium layer, wherein at least one of the plurality of transparent electrodes is electrically connected to, and is physically isolated from, another of the plurality of transparent electrodes.

Tarsa describes an LED having a core with epitaxially grown p- and n-type layers, and an epitaxially grown active layer between p- and n-type layers. A first current spreader layer is included adjacent to the LED core. The LED can also include a second spreader layer on the LED core opposite the first spreader layer. It is disposed between the second contact and fingers, and the LED core. The spreader layer is more conductive than the LED core layer adjacent to it thereby allowing current to more freely flow from the contact and fingers, into the second spreader layer and throughout the LED core.

In one embodiment of Tarsa, a current spreading layer 18 (second spreader layer) is deposited on conductive layer 16 to facilitate current spreading across conductive layer 16 and into the active layer 14. The second spreader 18 may also be formed of a transparent or semitransparent conducting material. In another embodiment, second contact 91 is deposited in the center of the second spreader layer 92, with two parts of a conductive branch 93 running in opposite directions on the second spreader layer, from the contact 91 and down the LED's longitudinal centerline.

However, Tarsa does not disclose or suggest a plurality of transparent electrodes respectively formed on the second nitride gallium layer, wherein at least one of the plurality of transparent electrodes is electrically connected to, and is physically isolated from, another of the plurality of transparent electrodes, as recited in amended claims 1, 5 and 18. In Tarsa, layers 18/92 form a single body and, thus do not include two transparent electrodes separated from one another (i.e., not touching each other).

MPEP § 2131 notes that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See also MPEP § 2131.02. “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Because Tarsa does not disclose or suggest all of the features recited in claims 1, 5 and 18, Tarsa does not anticipate the invention recited in claims 1, 5 and 18, and all claims depending therefrom.

Applicant has considered Katayama and submits Katayama does not cure the deficiencies of Tarsa. As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1, 5 and 18, Applicant submits the inventions defined by claims 1, 5 and 18, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.¹

¹ MPEP § 2142 “...the prior art reference (or references when combined) must teach or suggest all the claim limitations.

CONCLUSION

In view of the above Amendment, applicant believes the pending application is in condition for allowance. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

Dated: March 17, 2009

Respectfully submitted,

By 

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